

# Pharmacy board tries to shed obligation on legal pot

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The Iowa Pharmacy Board attempted Tuesday to punt the medical-marijuana issue back to legislators, but a leading lawmaker said he doubted his colleagues would pick it up.

The issue has been battled around since February, when the board unanimously recommended that legislators reclassify marijuana in a way that would allow its use for legitimate medical purposes. Legislative leaders initially said they would consider the issue, but later declared that Iowa Code already gives the pharmacy board authority to set up a medical-marijuana program.

The board Tuesday unanimously rejected a marijuana activist's request that it write rules allowing the drug to be used for medical purposes. "We are an appointed body, we are not elected officials, and I do not believe we should be writing law," said Margaret Whitworth, a board member from Cedar Rapids.

Board Chairman Vernon Benjamin said any medical-marijuana system would have to be carefully constructed, so it "doesn't become the fiasco it's become in other states." Some of the 14 states with legal medical marijuana have reported problems with loosely regulated sales.

Benjamin, a Fort Madison pharmacist, said the issue should be considered by a broad group of experts named by the Legislature. The pharmacy board, consisting mainly of pharmacists, is too narrow a group, he said.

Rep. Kevin McCarthy, a Des Moines Democrat who is House majority leader, said later Tuesday that lawmakers are unlikely to fulfill the pharmacy board's request in next year's legislative session. "I don't think either the majority or the minority party, whichever that may be, will spend a lot of time on the issue of medical marijuana," he said. McCarthy said any lawmaker could raise it, but he sees much more pressing issues, including the economy and state budget.

McCarthy said last February that legislative leaders would appoint a committee to study the possibility of allowing marijuana for medical purposes, such as easing pain and nausea for cancer or AIDS patients.

However, he later concluded such a committee was unnecessary because of a decades-old clause in Iowa law giving the pharmacy board authority to write rules allowing medical marijuana.

McCarthy stuck by that conclusion Tuesday. "The fact of the matter is, what the pharmacy board asked for, they already have," he said.

Carl Olsen of Des Moines, a leading advocate for medical marijuana, said after Tuesday's board meeting that he would continue to press the matter. Olsen said the board does not have the legal discretion to ignore the Iowa Code section saying the board would make rules allowing medical marijuana. "Every time I can get these guys to break the law, I'm going to do it, and they just broke the law," he said.

Olsen said his options include a court appeal, where he could ask a judge to order board action.

Medical-marijuana supporters have dominated most discussions of the issue before the pharmacy board. However, board members noted Tuesday that they have recently received numerous e-mails and letters enforcement officers and addiction-treatment counselors. Several board members said they wished such people had spoken up earlier.

Several medical-marijuana opponents attended Tuesday's board meeting, along with the usual collection of marijuana supporters.

Jennifer Husmann, project coordinator for the group Jones County for Safe and Healthy Youth, was among audience members wearing "No Medical Marijuana" buttons. She acknowledged that few marijuana opponents spoke up at public hearings the board held around the state last fall. "They didn't think it would really go this far," she said.

She added that decisions about which drugs to allow should be made by professionals, not by popular opinion. She also said new prescription medications soon should be on the market that would provide the same types of relief without the dangers of marijuana.

An Iowa Poll published in The Des Moines Register in February showed that 64 percent of Iowans supported allowing patients to use marijuana if their doctors approved. The poll found that 70 percent opposed legalizing the drug for recreational use.

The federal government continues to consider the drug illegal for almost any purpose, but President Barack Obama's Justice Department has told federal law officers not to arrest people if they are following state medical-marijuana laws.